

6 March 1978

STAT

NOTE FOR:

FROM :

Office of General Counsel

SUBJECT : Congressional Approval of CIARDS Regulations

1. I have spoken [redacted] to determine whether Mr. Blake offered to submit CIARDS regulations to Congress. In addition, I have reviewed the transcript of Mr. Blake's testimony before the House Permanent Select Committee, as well as this Agency's responses to questions submitted by that Committee.

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2. Although there is no indication from the testimony or written responses that Mr. Blake ever made a promise to the Committee, everyone I spoke with agreed that some oral assurances that the regulations would be provided were given to staffers during the give-and-take that surrounded the House inquiry. The fact of the commitment, however, has not been memorialized and, therefore, the exact nature of the commitment is not clear.

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It is our suggestion, therefore, that we adopt the policy of furnishing to the congressional committees copies of any new amendments to the CIARDS regulations prior to final approval by the DDA or the Director, as the case may be.

3. It will be noted that section 201 requires that the regulations go to the chairmen and ranking minority members of the Armed Services Committees. These Committees of course no longer have jurisdiction over the Agency and intelligence matters. In view of this contradiction between the statute and committee jurisdictions and in order to maintain consistency with President Johnson's position it is suggested that any submission to the Select Intelligence Committees carefully avoid any statement or indication that the statute requires submission.

Attachment



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Approved For Release 2004/10/08 : CIA-RDP81M00980R001800050098-1

TO RHL from WGL on 6 March Date: To RHL _____; Basic _____

Name of Client/Addressee: _____

Subject: Congressional Approval of CIARDS Regulations

Recommended Classification: TS, S, C, Unc. For Permanent Retention: Yes. No.

To Be Filed: _____

Comments/RHL Action Needed: _____

2. FROM RHL on _____ to: AAL JDM Orig. Atty. Other

Comments/Action: _____

3. ADDITIONAL ROUTING/ACTIONS:

MEMORANDUM FOR: Deputy Director for Administration

FROM

[REDACTED]
Associate General Counsel

SUBJECT : Congressional Approval of Amendments to
CIARDS Regulations

1. In the course of the coordination of an amendment to the CIARD regulation, [REDACTED] which has been in process for some time, the question of whether the amendments should be submitted to congressional committees for their approval has arisen. The Act, in section 201(a), authorizes the Director to prescribe rules and regulations for the establishment and maintenance of the System, "such rules and regulations to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate." President Johnson issued a statement when he approved the legislation stating that he regarded this provision as an unconstitutional intrusion into the powers of the executive branch, but because he regarded the legislation as meritorious he would approve it. He would "treat this provision as a request for consultation...and should ask the Director to comply with it on that basis." The original regulations were furnished and the chairmen and ranking minority members, by letters, approved them.

2. The regulations have been amended a number of times through the years, but I believe no amendments have been furnished the committees under the provisions of section 201. It was at least the informal opinion of John Warner when he was Deputy General Counsel and General Counsel that the Act did not require submission of amendments to regulations. Tony Lapham believes it would be desirable as a matter of policy to furnish these amendments to the committees without regard to whether the statute requires committee approval before they become effective. It is our understanding also that in conjunction with your recent testimony assurances were given, at least to the staffers of the House Committee, that amendments would be furnished. See [REDACTED] [REDACTED] note to me of 6 March 1978, attached. There is the additional argument in favor of submission that if in the event of amendments contemplated by the Agency which might be controversial or arouse criticism on the Hill it would be better to face that question in advance rather than after the fact.

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APPROVAL	DISPATCH	RECOMMENDATION	
COMMENT	FILE	RETURN	
CONCURRENCE	INFORMATION	SIGNATURE	
Remarks:			
<p>Would the attached from me to Jack Blake resolve this momentous problem of submission of CIARDS regs?</p>			
<p>7 Mar 78</p>			
<p>UNCLASSIFIED</p>			

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Remarks:			
<p>Please take a look at the attached, which I believe is self explanatory, and let me have your thoughts.</p>			
<p>7 Mar 78</p>			
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